

109TH CONGRESS
1ST SESSION

H. R. 521

To impose tariff-rate quotas on certain casein and milk protein concentrates.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. SHERWOOD (for himself, Mr. OBEY, Mr. MCHUGH, Mr. SIMMONS, Ms. BALDWIN, Mr. GOODE, Mr. HOLDEN, Mr. LARSEN of Washington, Mr. ETHERIDGE, Mr. McNULTY, Ms. SLAUGHTER, Ms. WOOLSEY, Mr. MCGOVERN, Mr. SHUSTER, Mr. OBERSTAR, Mr. RAHALL, Mr. LEWIS of Kentucky, Mr. COSTELLO, Mr. SANDERS, Mr. NUNES, Mr. MCINTYRE, Mr. PITTS, Mr. WELDON of Pennsylvania, Mr. KILDEE, Mr. STRICKLAND, Mr. FILNER, Mr. CARDOZA, Mr. BOUCHER, Mr. ABERCROMBIE, Mr. DUNCAN, Ms. MCCOLLUM of Minnesota, Mr. PETRI, Ms. HART, Mr. BUTTERFIELD, Mr. SWEENEY, Mr. WILSON of South Carolina, Mr. JINDAL, Mr. GRIJALVA, Mr. KIND, Mr. WALSH, Mr. BOEHLERT, Mr. PETERSON of Pennsylvania, Mr. KUHLMAN of New York, Mrs. KELLY, Mr. STUPAK, Mr. SENSENBRENNER, Mr. HALL, Mrs. JOHNSON of Connecticut, Mr. GRAVES, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. GERLACH, Mr. KANJORSKI, Mr. DENT, Mr. ENGEL, Mr. FARR, Mr. GALLEGLY, Mr. MURTHA, Mr. REHBERG, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To impose tariff-rate quotas on certain casein and milk protein concentrates.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Milk Import Tariff
3 Equity Act”.

4 **SEC. 2. IMPOSITION OF TARIFF-RATE QUOTAS ON CERTAIN**
5 **CASEIN AND MILK CONCENTRATES.**

6 (a) CASEIN AND CASEIN PRODUCTS.—

7 (1) IN GENERAL.—The Additional U.S. Note to
8 chapter 35 of the Harmonized Tariff Schedule of the
9 United States is amended—

10 (A) by striking “Additional U.S. Note”
11 and inserting “Additional U.S. Notes”;

12 (B) in note 1, by striking “subheading
13 3501.10.10” and inserting “subheadings
14 3501.10.05, 3501.10.15, and 3501.10.20”; and

15 (C) by adding at the end the following new
16 note:

17 “2. The aggregate quantity of casein, caseinates, milk pro-
18 tein concentrate, and other casein derivatives entered
19 under subheadings 3501.10.15, 3501.10.65, and
20 3501.90.65 in any calendar year shall not exceed
21 54,051,000 kilograms. Articles the product of Mexico
22 shall not be permitted or included under this quan-
23 titative limitation and no such article shall be classifi-
24 able therein.”.

25 (2) RATES FOR CERTAIN CASEINS, CASEINATES,
26 AND OTHER DERIVATIVES AND GLUES.—Chapter 35

1 of the Harmonized Tariff Schedule of the United
 2 States is amended by striking subheadings 3501.10
 3 through 3501.90.60 and inserting the following new
 4 subheadings, with the article descriptions for sub-
 5 headings 3501.10 and 3501.90 having the same de-
 6 gree of indentation as the article description for sub-
 7 heading 3502.20.00:

“	3501.10	Casein:			
		Milk protein concentrate:			
	3501.10.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG)	12¢/kg
	3501.10.15	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, SG)	12¢/kg
	3501.10.20	Other	\$2.16/kg	Free (MX)	\$2.81/kg
	3501.10.55	Other: Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	Free		Free
	3501.10.60	Other: Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG)	12¢/kg
	3501.10.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, SG)	12¢/kg
	3501.10.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg
	3501.90	Other:			
	3501.90.05	Casein glues	6%	Free (A*, CA, CL, E, IL, J, JO, MX) 4.5% (SG)	30%
	3501.90.30	Other: Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	6%	Free (A*, CA, CL, E, IL, J, JO, MX, SG)	30%
	3501.90.55	Other: Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG)	12.1¢/kg

3501.90.65	Described in additional U.S. note 2 to this chapter and en- tered according to its provi- sions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, SG)	12.1¢/kg	
3501.90.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg	”.

1 (b) MILK PROTEIN CONCENTRATES.—

2 (1) IN GENERAL.—The Additional U.S. notes to
3 chapter 4 of the Harmonized Tariff Schedule of the
4 United States are amended—

5 (A) in note 13, by striking “subheading
6 0404.90.10” and inserting “subheadings
7 0404.90.05, 0404.90.15, and 0404.90.20”; and

8 (B) by adding at the end the following new
9 note:

10 “27. The aggregate quantity of milk protein concentrates
11 entered under subheading 0404.90.15 in any cal-
12 endar year shall not exceed 15,818,000 kilograms.
13 Articles the product of Mexico shall not be permitted
14 or included under this quantitative limitation and no
15 such article shall be classifiable therein.”.

16 (2) RATES FOR CERTAIN MILK PROTEIN CON-
17 CENTRATES.—Chapter 4 of the Harmonized Tariff
18 Schedule of the United States is amended by strik-
19 ing subheadings 0404.90 through 0404.90.10 and
20 inserting the following new subheadings, with the ar-
21 ticle description for subheading 0404.90 having the
22 same degree of indentation as the article description

1 for subheading 0404.10 and with the article descrip-
 2 tions for subheadings 0404.90.05, 0404.90.15, and
 3 0404.90.20 having the same degree of indentation as
 4 the article description for subheading 0405.20.40:

“	0404.90	Other:				
		Milk protein concentrates:				
	0404.90.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG)	12¢/kg	
	0404.90.15	Described in additional U.S. note 27 to this chapter and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, SG)	12¢/kg	
	0404.90.20	Other	\$1.56/kg	Free (MX)	\$2.02/kg	”.

5 (c) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The amendments made by
 7 this section apply to goods entered, or withdrawn
 8 from warehouse for consumption, on or after the
 9 first day of the first month after the date that is 90
 10 days after the date of enactment of this Act.

11 (2) TRANSITIONAL PROVISIONS.—

12 (A) CHAPTER 35.—Notwithstanding the
 13 amendments made by subsection (a)(1)(B) of
 14 this section, in the case of any calendar year
 15 that includes the effective date described in
 16 paragraph (1), the aggregate amount of casein,
 17 caseinates, milk protein concentrate, and other
 18 casein derivatives entered under subheadings
 19 3501.10.15, 3501.10.65, and 3501.90.65 shall
 20 not exceed an amount equal to 148,085 kilo-

grams multiplied by the number of calendar days remaining in such year beginning with such effective date.

(B) CHAPTER 4.—Notwithstanding the amendments made by subsection (b)(1)(B) of this section, in the case of any calendar year that includes the effective date described in paragraph (1), the aggregate amount of milk protein concentrates entered under subheading 0404.90.15 shall not exceed an amount equal to 43,337 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

SEC. 3. COMPENSATION AUTHORITY.

(a) IN GENERAL.—If the provisions of section 1 require, the President—

(1) may enter into a trade agreement with any foreign country or instrumentality for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and

(2) may proclaim such modification or continuance of any general rate of duty, or such continuance of duty-free or excise treatment, or any quantitative limitation, as the President determines to be

1 required or appropriate to carry out any such agree-
2 ment.

3 (b) LIMITATIONS.—

4 (1) IN GENERAL.—No proclamation shall be
5 made pursuant to subsection (a) decreasing any gen-
6 eral rate of duty to a rate which is less than 70 per-
7 cent of the existing general rate of duty.

8 (2) SPECIAL RULE FOR CERTAIN DUTY REDUC-
9 TIONS.—If the general rate of duty in effect is an
10 intermediate stage under an agreement in effect be-
11 fore August 6, 2002, under section 1102(a) of the
12 Omnibus Trade and Competitiveness Act of 1988 or
13 under an agreement entered into under section 2103
14 (a) or (b) of the Bipartisan Trade Promotion Au-
15 thority Act of 2002, the proclamation made pursu-
16 ant to subsection (a) may provide for the reduction
17 of each general rate of duty at each such stage by
18 not more than 30 percent of such general rate of
19 duty, and may provide for a final general rate of
20 duty which is not less than 70 percent of the general
21 rate of duty proclaimed as the final stage under
22 such agreement.

23 (3) ROUNDING.—If the President determines
24 that such action will simplify the computation of the
25 amount of duty computed with respect to an article,

1 the President may exceed the limitations provided in
2 paragraphs (1) and (2) by not more than the lesser
3 of—

4 (A) the difference between such limitation
5 and the next lower whole number, or

6 (B) one-half of 1 percent ad valorem.

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